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10 Attorneys for Plaintiff  
 11 SIMONE RIVERS

12 UNITED STATES DISTRICT COURT  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 SIMONE RIVERS;

16 Plaintiff,

17 v.

18 COUNTY OF MARIN; WILLIAM BURKE  
 19 MICHAEL DALY; TERRI HAMPTON; and  
 20 DOES 1 through 50,

21 Defendants.

Case No.: USDC 09 1614 EMC

STIPULATION AND ~~PROPOSED~~ ORDER  
 TO FILE AND SERVE FIRST AMENDED  
 COMPLAINT

23 IT IS HEREBY STIPULATED by and between the parties to allow plaintiff Simone Rivers to  
 24 file and serve a First Amended Complaint, which is attached hereto as Exhibit A.

25 There is good cause for the stipulation to file an amended complaint as follows:

- 26 • The Court-Ordered Meet and Confer: The parties have engaged in a conference with the Court  
 27 regarding the Complaint, and, after much discussion, the Court ordered a meet and confer to  
 28 address defendants' concerns with the Complaint, including whether Ms. Hampton is a proper

STIPULATION AND PROPOSED ORDER TO F ILE FIRST AMENDED COMPLAINT  
 RIVERS v. COUNTY OF MARIN ET AL, CASE NO. C09-1614 EMC

1 party to this action. The parties met and conferred on October 12, 2009, and agreed to the filing  
2 of amended complaint. As part of the agreement, the plaintiff will be dismissing Ms. Hampton  
3 as a defendant, as set forth below, will be providing more detail as to the allegations against  
4 Daly and Burke, and defendants have stipulated that Hampton was not the decision-maker with  
5 respect to plaintiff's separation from employment;

- 6 • Stipulation of Facts with Respect to Defendant Hampton: The parties, through their respective  
7 counsel of record below, hereby agree to the following stipulation of facts that will be reflected  
8 in the First Amended Complaint: "Burke was the decision-maker to separate Rivers' from her  
9 employment at the County, be it through accepting the resignation of Rivers through job  
10 abandonment, or by termination of Rivers, the circumstances of which the parties dispute". As a  
11 result of this stipulation, plaintiff will be dismissing defendant Hampton from this action  
12 through the filing of a First Amended Complaint. Each party to bear its own costs and  
13 attorneys' fees as to Hampton only.

14  
15 SO STIPULATED.

16  
17 Dated: 10/20/09

KAHN, BROWN & POORE LLP

18  
19 BY: /s/ David M. Poore  
20 DAVID POORE  
21 Attorney for Plaintiff

22  
23 Dated: 10/20/09

PATRICK K. FAULKNER  
MARIN COUNTY COUNSEL

24  
25 BY: /s/ Stephen Raab  
26 STEPHEN RAAB  
27 Attorney for Defendant County of Marin  
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PROPOSED ORDER

THE COURT HEREBY ORDERS AS FOLLOWS:

The parties' stipulation and proposed order to file a First Amended Complaint is approved and Granted. The plaintiff may file the proposed First Amended Complaint within ten (10) days after service of this Order. The hearing on Defendant Burke's motion to dismiss currently set for 11/4/09 at 10:30 a.m. is vacated.

October 21, 2009

DATED: \_\_\_\_\_

HON. EDWARD M. CHEN  
U.S. DISTRICT JUDGE

